



Claremont

Disability Discrimination Policy

School Division: Whole School

Policy Division: General

Policy Owner: Principal

Date: September 2019

1. Introduction

- 1.1. This policy is a statement of the aims and principles of Claremont School to ensure that people with a disability flourish at school. This policy is a 'Whole School Policy' and informs practice in the Senior School, Boarding House, Preparatory School and Nursery.
- 1.2. One of the main principles behind the Government's policy for disabilities is that they should attend mainstream schools where appropriate. The Education Act (1996) sets the framework and it is further strengthened by the Special Educational Needs and Disability Act 2001 (SENDA).
- 1.3. The 1995 Disability Discrimination Act as amended by the SENDA (2001) places a legal requirement for schools and the school aims also to adhere to the Equality Act 2010.
 - Not to treat disabled pupils less favourably.
 - To make reasonable adjustments to ensure that disabled pupils are not at a substantial disadvantage.
 - To draw up plans to show how over time they will increase access to education for disabled pupils.
 - To comply with Disability Equality duty.
 - To prepare, publish, implement and report on a Disability Equality scheme.

2. Definition of Disability

- 2.1. Reference to "disabled people" includes disabled children, young people and adults, as pupils, employees, parents and carers and other members of the wider public who might use the facilities for leisure or other activities. The definition covers a broad spectrum of disability including:
 - Cancer
 - Diabetes
 - Epilepsy
 - HIV
 - Multiple sclerosis
 - Hearing and sight impairments
 - Mobility difficulties
 - People with health conditions or learning difficulties/disabilities
- 2.2. The Disability Discrimination Act, passed in July 1995, was amended in September 2002 to incorporate schools. The Act states a person with a disability is:

- “One who has a physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day-to-day activities.”
- An “impairment” has a long term effect if it has lasted or is expected to last for at least 12 months or for the rest of the life of the person concerned.
- “Substantial” is neither minor nor trivial.

2.3. It will be unlawful for a Responsible Body to discriminate against pupils with a disability. Discrimination can take place in two ways:

- Treating a pupil “less favourably” than others for a reason relating directly to their disability.
- Failing to make a “reasonable adjustment” to ensure they are not placed at a “substantial disadvantage” for a reason relating to their disability.

3. Aims of the School

3.1. Claremont School seeks to encourage a diverse community to which individuals may contribute as fully as possible. It aims to create conditions whereby staff and pupils or prospective pupils are treated solely on the basis of their merits, abilities and potential by ensuring that no member of the School is unfairly discriminated against as a result of gender, colour, ethnic or national origin, age, social background, disability, religious or political beliefs, pregnancy or maternity, family circumstances or sexual orientation including gender reassignment.

3.2. Claremont School recognises that any of these attributes should be known as “protected characteristics” in compliance with the Equality Act. To this end, Claremont School will:

- Fulfil its legal obligations under the Disability Discrimination Act 1995, the Equality Act 2010 and any related or subsequent legislation.
- Seek to identify and remove all unjustified direct and indirect discrimination against people with a disability/learning difficulty.
- Aim to develop and improve facilities, processes and the skills, knowledge and understanding of staff to meet the needs of people with a disability/learning difficulty, in the light of the needs of specific individuals.
- Liaise with national organisations and local support services to ensure that a range of options, resources and facilities are identified for the benefit of individuals, as appropriate.

3.3. In addition:

- Admissions from potential pupils or applications for employment are assessed on the basis of the applicant’s aptitudes, abilities and qualifications.
- Disabled staff and pupils have access to the appropriate support and adaptations to enable them to be fully included in the life of the school.
- The views of the individual pupil or member of staff are taken into account at all times when their requirements are being assessed.
- Members of staff working with disabled people, either as colleagues or pupils, have appropriate information and support.
- The school will take steps to enable staff and pupils who become disabled during their time at the School to continue in their chosen career or school career, wherever possible.
- The school will endeavour to accommodate disabled visitors, wherever possible, to enable them to participate in events held on school premises.

- The school will recognise that challenging behaviour which stems directly from a disability (for example a pupil with Autism) must be managed differently, making reasonable adjustment wherever possible.

4. Implementation

- 4.1. The school expects all staff to be aware of this policy and its related Code of Practice to treat disabled people, whether pupils, staff or visitors, fairly with respect and in accordance with this policy.
- 4.2. See also the “Accessibility Plan Policy” and “Accessibility Action Plan” for future development.

5. Disability Code of Practice

Admissions

- 5.1. All parents of pupils who are being called for interview should be asked if they require any assistance to enable them or their child to access the buildings and/or to participate fully in the interview and assessment, for instance the provision of information or tests in an alternative format.
- 5.2. Applications from all pupils will be assessed on the basis of academic suitability. Discussions about the support requirements of pupils will be separate from that consideration.
- 5.3. The school will make available clear information about access to buildings and support facilities to enable the parents of disabled pupils to make an informed choice of school.
- 5.4. The schools will identify a designated member of staff with whom the parents of disabled pupils may discuss the curriculum, the teaching and the learning activities entailed, to ensure that any learning support and other needs are clearly identified. Designated members of staff will receive appropriate training.
- 5.5. No pupil will be refused a place at the schools on the grounds of disability alone before an opportunity has been provided for full consideration of the specific support or facilities required, in consultation with the Head, the Special Educational Needs Teacher and others whose expertise may be required for the specific situation.
- 5.6. If a pupil is rejected on grounds other than academic considerations, a record of the decision and the reasons for it will be kept for one year. When requested the school will give feedback to the pupil’s parents.

Curriculum and Assessment

- 5.7. The school will take appropriate steps to ensure that lessons are organised in ways, which offer the best possible opportunities for full participation by disabled pupils.
- 5.8. The Schools will identify designated members of staff with whom disabled pupils and their parents may discuss the specific requirements of their intended curriculum, in advance, to ensure that learning support and other needs are identified and made known to relevant staff. This mechanism will also be used to enable pupils and their parents to discuss any emerging needs and identify appropriate possible courses of

action to address those needs. Designated members of staff will receive appropriate training.

- 5.9. Appropriate modes of examination and assessment will be determined after consultation with the pupil and their parents, relevant academic staff, the Special Educational Needs Teacher and others, as necessary, to enable pupils to demonstrate that they have met the criteria for progression or the conferment of an award. The purpose of any special arrangements shall be to compensate for any restriction imposed by the disability without compromising academic standards.
- 5.10. Any request for special arrangements, in relation to examination and assessment procedures, must be supported by medical or other evidence and it is the pupils and their parents' responsibility to make that available to the school.
- 5.11. The school will take all appropriate steps to ensure that a pupil who becomes disabled during their career at the school has every opportunity to remain at the school through the provision of the same level of adaptation and support as a comparable pupil who is disabled at the start of their school career.
- 5.12. The school will aim to ensure that disabled pupils have equal access to all pupil facilities. While it is recognised that some of these facilities are located in buildings, which have access problems, the schools will ensure that wherever practicable, the facility can be provided in such a way that the needs of the disabled pupil are met.

Health and Safety

- 5.13. The school will ensure that all pupils, including pupils with special educational needs and disabilities, are familiar with emergency evacuation procedures and all other Health and Safety issues within the schools that affect them.

Confidentiality

- 5.14. The school must consider where the action to be taken in complying with its duty to take reasonable steps, is compatible with its compliance with a request for confidentiality. A confidential request means that the nature or the existence of a disability is treated as confidential and has been:
 - Made by the pupil's parents
 - Made by the pupil and the school and the school reasonably believes that the pupil understands the nature of the request and its consequences.

6. Code of Practice on Employment

- 6.1. The Disability Discrimination Act makes it unlawful for the school, and therefore, any of its employees to discriminate in the field of employment, against a disabled person for a reason that relates to the person's disability, if that treatment cannot be justified. This applies not only to requirements, but to all areas of employment including the terms of employment, opportunities for promotion, transfer or training, dismissals or redundancies. This Code of Practice aims to ensure that the school acts within the law.
- 6.2. Wherever practicable, the schools will:
 - Seek to employ disabled people in jobs suited to their aptitudes, abilities and qualifications.

- Seek to ensure that disabled employees are considered for promotion according to their aptitudes, abilities and qualifications.
- Ensure that disabled people are not disadvantaged when the renewal of fixed term contracts is being considered.

Recruitment

- 6.3. Application and selection procedures used in the recruitment and selection of staff should encourage disabled people. All applicants should be asked when being called for interview if they require any assistance to enable them to participate fully in the interview, for example an accessible interview venue, a signer or the provision of information in an alternative format.
- 6.4. All candidates will be assessed on their abilities, qualifications and experience according to the objective criteria developed for the post. It may be that a “reasonable adjustment” would be required to allow a disabled candidate to meet the criteria but it should be assumed, in deciding whether the individual meets the criteria, that the appropriate adjustment had been made.

Support in Employment

- 6.5. Some disabled people may require additional support when settling into their working environment. Heads of Department and colleagues should ensure that particular needs are discussed with the individual concerned. In particular, consideration should be given to any adaptation e.g. provision of equipment, modification to the working environment or to the organisation of the post, which may be necessary to enable the individual to work on equal terms with non-disabled colleagues. Any necessary modifications should ideally be agreed and carried out before the individual commences work. Some of the adjustments may have implications for other staff and it is important that they are consulted about proposed changes. Consideration should also be given to parking facilities, toilet facilities and health and safety issues such as fire alarms and procedures.

Confidentiality

- 6.6. Where the disability is not obvious, the individual should be asked if they wish their colleagues to be informed of their disability and Heads of Department should respect their wishes in this regard. In certain cases, it may be appropriate for some colleagues to be aware of the condition in order to be able to respond appropriately in cases of emergency.

Training

- 6.7. Training should be made available to disabled people on the same basis as their colleagues. Where special arrangements are required, these should be put in place.

Members of Staff who become Disabled

- 6.8. Losing the services of a member of staff who becomes disabled could deprive the school of a considerable asset in terms of the skills and experience of the individual as well as an investment in that individual’s training and development. Where practicable the Schools will attempt to retain staff who become disabled and to ensure suitable employment for them. Senior members of staff should deal as sensitively as possible with these situations and seek help where required. Help should be sought when considering not only the possible effects of the disability but also other consequential disadvantages, such as loss of status, financial loss and reduced self-esteem.

- 6.9. The school is required by law to make reasonable adjustments to enable continued employment. There are a number of possible options to consider.
- 6.10. **Continuing in the same Post.** Where the disability has occurred as the result of an accident, for example, the individual has been absent from work for some time, the school should be flexible and sensitive in assisting staff to return to work. The school should consider a gradual return to work or a permanent reduction in hours until confidence and ability are fully restored, or a trial period of up to twelve weeks can be used to try to assess whether the member of staff can cope with the old job or a new one.
- 6.11. **Re-deployment.** Where it is not practicable for the individual to continue in their former post, the school should attempt to redeploy the individual into a suitable alternative post. The individual's qualifications and skills as well as their own preferences in terms of type of work should be taken into account when trying to identify a suitable vacancy. This would be subject to a trial period to see how they coped and the school will do everything possible to support the individual. At the end of the trial period a formal review should be held to determine whether the individual should be confirmed in the post. Substantive grounds would be required if it is considered that the individual is not suitable. In both of the options outlined above, the individuals have recourse to the "Grievance Policy" if they are not satisfied that they have been treated fairly.
- 6.12. **Premature Retirement on grounds of Incapacity.** Where it has been decided that redeployment is impracticable, the member of staff may be considered for retirement on the grounds of medical incapacity under the normal terms of the appropriate procedure.
- 6.13. **Termination of Employment.** If all other options have been explored and found to be impracticable, dismissal on grounds of incapacity should be considered. If it proves to be necessary, termination will be in accordance with the appropriate procedures, which include a right of appeal. In some cases, the disability will be a progressive condition, which develops over time and a number of the options will be appropriate at different stages. For example, the individual will probably be able to continue for some time in their existing post, with or without appropriate adjustments, before any of the other options require to be considered.

7. Visitors

- 7.1. The Schools are used for School events, by visitors and members of the public. The Schools will aim to ensure that all buildings intended for use by these groups are accessible. Provision of information will also be required for emergency and evacuation procedures.

8. Responsibilities

- 8.1. All School staff are expected to be aware of this policy and treat disabled people, whether pupils, staff, visitors or members of the public in accordance with these provisions. In particular, Heads of Department will be responsible for ensuring that the policy is communicated effectively and is being implemented in their areas of control.

9. Policy Owner

9.1. The policy owner is the Principal.

10. Issue Date

10.1. Issue date: September 2019.

11. Review Date

11.1. This policy will be reviewed annually. The next review is due in September 2021.